

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

FILED 09 DEC '13 11:14 USDC-ORP

Sean Colby Hoard,
Plaintiff(s),

VS.

Snake River Correctional
Institution, et. al
Defendant(s),

PRISONER, CIVIL RIGHTS
COMPLAINT

2:13 CV-2161-AC

I.

- A. Have you brought any other action or appeal in a Court of the United States while a prisoner?

Yes _____

No X

II.

- A. Place of confinement: Eastern Oregon Correctional Institution
2600 West Gate, Pendleton, Oregon 97801

- B. Is there a Prisoner grievance procedure in this institution?

Yes X

No _____

- C. Have you filed a grievance concerning the facts relating to this Complaint?

Yes X

No _____

- D. Is the grievance process completed?

Yes X

No _____

III

Jurisdiction

- A. The court has Jurisdiction over the Plaintiff's Claim of Violation of federal constitution rights under 42 U.S.C. §§ 1331 (a) and 1343.

- B. The court has Supplement Jurisdiction over the Plaintiff's State law tort claim under 28 U.S.C. § 1367.

IV Parties

A. Name of Plaintiff: Sean Colby Hoard
Security Identification No. 17812791
Address: 2500 West Gate
Pendleton, Oregon 97801

B. Defendant J. Hartman is employed as Correctional Officer at ~~Snake~~ Snake River Correctional Institution. He is sued in his individual capacities.

Defendant Mr. Brown is employed as Sergeant at Snake River Correctional Institution. He is sued in his individual capacities.

Defendant Mr. Ortega is employed as Correctional Officer at Snake River Correctional Institution. He is sued in his individual capacities.

Defendant E. Saldaña is employed as Correctional Officer at Snake River Correctional Institution. He is sued in his individual capacities.

Defendant James A. Taylor is employed as Lieutenant, Grievance Coordinator at Snake River Correctional Institution. He is sued in his individual and official capacities.

Defendant Mark Noth is employed as Superintendent at Snake River Correctional Institution. He is sued in his official capacities.

Defendant Joe Capps is employed as Investigator at Snake River Correctional Institution. He is sued in his official capacities.

IV STATEMENT OF CLAIM

Claim I.

Plaintiffs right to be free from cruel and unusual punishment, Pursuant to the Sixth, Eighth and Fourteenth Amendment to the U.S. Constitution and Article I, Section 16 of the Oregon Constitution; and Plaintiffs right not to be treated with unnecessary rigor following arrest and during confinement in jail; Pursuant to Article I, Section 13 of the Oregon Constitution and constituted the tort of Assault and Battery under the law of Oregon and negligence.

Supporting facts

A. On or about December 21, 2012 while being housed at Snake River Correctional Institution

Plaintiff was call-out for a routinely room search. While in restraints Defendants Brown, Ortega, Saldavar, Hartman escorted plaintiff right outside the room facing the steel door. Defendants Brown, Ortega, Saldavar were in the room conducting a routinely search. Defendant Hartman repeatedly jerking plaintiff by his shirt and collar, and treating plaintiff stating "This is gonna hurt". Plaintiff politely asked Defendant Saldavar if he can switch positions with Defendant Hartman because of Defendant Hartman's actions with plaintiff's shirt and collar. Defendant Saldavar asked Defendant Hartman if he can loosen up his grip and to stop jerking plaintiff's shirt and collar. Defendant Saldavar turned his back. Defendant Hartman quickly grabbed plaintiff's head to repeatedly slam the plaintiff's head/face/jaw into the metal steel door. The plaintiff received lacerations to his head, face, eyebrow and protracted disfigurement to his jaw and numerous bruises and abrasions to his head, face, jaw, arms, legs, torso and wrist. Plaintiff's pants and underwear was pulled down to his ankles by one of the Defendants. During these events the plaintiff did not resist or threaten the Defendants in any fashion or break any institution rules.

Claim II

Plaintiff's right not to be deprived life, liberty and freedom without Due Process law of the court. Pursuant to the sixth and fourteenth Amendment to the US Constitution and Section 10 §11 of the Oregon Constitution.

Supporting facts

- A. On or between December 21, 2012 and ~~December~~ June 6 2013 while housed at Snake River Correctional Institution plaintiff exhausted the grievance process because of issues such as being assaulted by correctional officer. but Defendant James A. Taylor refused to adequately review plaintiff's grievance and hold personal responsibilities plaintiff have listed in his grievances.

Relief Requested VI

WHEREFORE, Plaintiff request that the court grant the following relief:

A. Issue a declaratory judgement, stating that:

1. The Physical abuse of the plaintiff by J. Hartman violated the Plaintiff's rights under the Eighth and Fourteenth Amendment to the US Constitution; Article I, Section 18 & 16 of the Oregon Constitution; and constituted an assault and battery, tampering with physical evidence under state law.
2. James A. Taylor actions in conducting the Plaintiff's grievance procedure violating the Plaintiff's rights under the Sixth and Fourteenth Amendment to the US Constitution and Article I, Section 10 & 11 of the Oregon Constitution.
3. Mark Nooth, Joe Capps, Brown, Ortega, Saldavar, James A. Taylor failure to take action to curb the complaints that are address in this civil suit violated plaintiff's rights under the Sixth, Eighth and Fourteenth Amendment to the US Constitution: Article I, Section 10, 11, 13 of the Oregon Constitution and constituted an assault and battery, tampering with physical evidence and negligence under state law.

B. Award compensatory damages jointly and severly against:

1. Defendants: J. Hartman, Mr. Brown, Mr. Ortega, Mr. Saldavar, Mark Nooth, Joe Capps for the physical, mental and emotional injury sustained as a result of Plaintiff beating.
2. Defendant; James A. Taylor for the punishment and emotional injury resulting from their denial of due process in connecting with the Plaintiff's grievance proceeding.

C. Award Nominal Damages in the following amount:

1. \$1.00 against Snake River Correctional Institution et.al for the physical, mental and emotional injury sustained as a result the address complaints in this civil suit inflicted to the Plaintiff.

D. Award Punitive Damages jointly and severally against:

1. Defendants; J. Hartman, Mr. Brown, Mr. Ortega, Mr. Saldaña, Mark North, Joe Capps for the physical, mental and emotional injury sustained as a result of plaintiff beating.

2. Defendant; James A. Taylor for the punishment and emotional injury resulting from their denial of due process in connecting with the Plaintiff's grievance proceeding.

E. Grant such other relief as it may appear that plaintiff is entitled.

Dated this 1st day of December 2013

Respectfully Submitted,

Sean Colby Hoard
Sean Colby Hoard
Plaintiff, In Pro Se Counsel

Oregon Department of Corrections - Inmate Mail

Institution Eastern Ore. Corr. Inst. **SID** 17612791
Name HOARD, SEAN
Address 2500 Westgate
City Penitentiary State OR Zip 97209
DEC 13 10 57 AM '13

Indigent

neopost^M

12/05/2013

US POSTAGE

\$00.66⁰



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